

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC. PRODUCTS LIABILITY	)	MDL No. 02419
LITIGATION	)	Docket No. 1:13-md-2419-RWZ
_____	)	

\_\_\_\_\_

This document relates to:

All of the cases against the Box Hill Defendants<sup>1</sup>

**RITU BHAMBHANI, M.D., INDIVIDUALLY, AND AS CORPORATE DESIGNEE FOR  
DEFENDANT BOX HILL SURGERY CENTER, LLC'S, OBJECTIONS TO  
ATTACHMENT A AND B IN THE PLAINTIFFS' SUBPOENA AND  
NOTICE OF DEPOSITION OF RITU BHAMBHANI, M.D.**

Defendants Ritu T. Bhambhani, M.D., individually and as corporate designee for Defendant Box Hill Surgery Center, LLC ("Defendants" or Dr. Bhambhani), by their undersigned counsel, file their objections to additional Document Requests and topic areas for which testimony will be sought as memorialized in Attachments A and B to the Subpoena and Notice of Deposition of Defendant [Dkt. 2566-1]. Defendants respectfully file these objections pursuant to the Deposition Protocol, MDL Order No. 10 [Dkt. 1426].

**GENERAL OBJECTIONS**

1. In objecting to the material sought in Attachments A and B, Defendants do not concede the existence, relevance, materiality, or admissibility of the requests, the information, the documents, or the testimony to which the Subpoena refers or relates.

---

<sup>1</sup> This pleading applies to the following cases: Handy v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14019-RWZ; Armetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ

2. Defendants object to Plaintiffs' Requests to the extent they seek to impose on Defendants any obligations or responsibilities other than those required by the Federal Rules of Civil Procedure or the applicable Local Civil Rules of the United States District Court for the District of Maryland.

3. Defendants object to Plaintiffs' Requests to the extent they seek production of documents protected from discovery by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Nothing contained in these objections is intended to be, or in any way constitutes, a waiver of any such applicable privilege or immunity.

4. An objection asserting that a Request seeks privileged information or documents should not be construed as a representation that such information or documents exist or existed. Such objections indicate only that the Requests are of such a scope as to embrace subject matter protected by the attorney-client privilege, the work-product doctrine or other applicable privilege or immunity.

5. Defendants object to Plaintiffs' Requests to the extent they seek production of documents and things for which the Request is duplicative and/or the requested documents or information has already been produced previously.<sup>2</sup>

6. Defendants object to PSC's Requests to the extent they seek the production of documents that contain information that is not relevant to a claim or defense of the parties or is not reasonably calculated to lead to the discovery of admissible evidence. Defendants reserve the right to redact such information before producing documents to PSC.

---

<sup>2</sup> Dr. Bhambhani and the Box Hill Defendants have already responded to the PSC's revised subpoena, the PSC's First Set of Requests for Production of Documents and First Set of Interrogatories, and several supplemental requests pursuant to the First Requests indicated herein.

**SPECIFIC OBJECTIONS**

7. Defendants object to Attachment B –Testimony Sought, Nos. 6 and 7 based on relevance. Testimony concerning what revenue was received by Defendant Ritu Bhambhani, M.D., or Ritu T. Bhambhani, M.D., LLC, related to Defendant Box Hill Surgery Center is irrelevant to the issues and elements of alleged breach of the standard of care and causation. Pursuant to Maryland law, such evidence would only be relevant if/after liability is established.

8. Defendants object to No. 13 in Attachment B based on relevance to the extent that this may seek information about individuals who were subsequently employed at Box Hill Surgery Center, but not employed at the time leading up to or when the meningitis outbreak occurred.

9. Defendants object to Nos. 49 and 50 in Attachment B because they are vague and overly broad. Defendants request that Plaintiffs be more specific as to what information Plaintiffs are seeking so that Defendants can be better prepared to respond.

10. Defendants object to Nos. 61, 62 and 63 in Attachment B because they seek information protected by the attorney-client privilege and work product doctrine.

11. Defendants object to No. 64 in Attachment B on several grounds. First, the request is vague, overly broad and unduly burdensome as it seeks any publication “relevant to the issues in this litigation.” This litigation involves issues of pain management, epidural steroid injections, drugs and pharmacy compounding, meningitis, alleged neurological and other injuries, as well as patients’ chronic pain. That is simply too broad of a topic. Defendants also object to topic No. 64 as it seeks information about any publication that quotes or otherwise mentions Dr. Bhambhani. Defendant Bhambhani may not be aware of such publications.

12. Defendants object to No. 68 in Attachment B because it seeks information protected by the attorney-client privilege and work product doctrine.

**CONCLUSION**

For the above-referenced reasons, Defendants respectfully file these objections to Plaintiffs' Subpoena and Notice of Deposition of Defendant Ritu Bhambhani, M.D., including the referenced parts of Attachments A and B.

Respectfully submitted,

/s/ Gregory K. Kirby  
\_\_\_\_\_  
Gregory K. Kirby, Esquire  
Pessin Katz Law, P.A.  
901 Dulaney Valley Road, Suite 500  
Towson, Maryland 21204  
(410) 938-8800  
*Attorneys for Box Hill Surgery Center, L.L.C.,  
Ritu T. Bhambhani, M.D., and Ritu T.  
Bhambhani, M.D., L.L.C.*

**CERTIFICATE OF SERVICE**

I, Gregory K. Kirby, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the plaintiffs in the individual cases, and will be sent to these parties by operation of the CM/ECF system on January 22, 2016

/s/ Gregory K. Kirby  
\_\_\_\_\_  
Gregory K. Kirby, Esquire